

Eric J. Benink, Esq., SBN 187434
KRAUSE KALFAYAN BENINK & SLAVENS, LLP
550 West C Street, Suite 530
San Diego, CA 92101
P 619.232.0331 | F 619.232.4019
eric@kkbs-law.com

Natalie Locke, Esq., SBN 261363
PERFECT 10, INC.
11803 Norfield Court
Los Angeles, CA 90077
P 310.476.0794 | F 310.476.8138
natalie@perfect10.com

Attorneys for Plaintiff Perfect 10, Inc.

William H. Shawn, Esq.,
D.C. Bar No. 198416
SHAWNCOULSON, LLP
1850 M. Street, N.W., Suite 280
Washington, D.C. 20036
P 202.331.2300 | F 202.403.3747
wshawn@shawncoulson.com

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

IWEB GROUP, INC., a Canadian
company d/b/a iWeb.com; IWEB
INTELLECTUAL PROPERTY INC., a
Canadian company d/b/a iWeb.com;
IWEB TECHNOLOGIES, INC., a
Canadian company d/b/a iWeb.com; and
DOES 1 through 100, inclusive,

Defendants.

Case No.: 13 CV 0328 BTM BLM

Before Honorable Barry Ted Moskowitz

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
TIME TO ANSWER COMPLAINT
AND RULE 12 MOTION BRIEFING
SCHEDULE**

STIPULATION

Plaintiff Perfect 10, Inc. (“Perfect 10”) and Defendants iWeb Group, Inc., iWeb Intellectual Property Inc. and iWeb Technologies, Inc. (collectively the “iWeb Defendants”) by and through their undersigned counsel of record, hereby stipulate as follows:

WHEREAS, the iWeb Defendants were served with the Summons and Complaint in this action on March 4, 2013, and their deadline to serve a responsive pleading to the Complaint is March 25, 2013;

WHEREAS, Perfect 10 hereby agrees not to prosecute the following allegations in its Complaint, filed with the Court on February 11, 2013, against the iWeb Defendants:

- (i) “, Defendant New Dream Network, LLC (“New Dream Network”), which upon information and belief, is an iWeb customer that operates the websites picfoco.com and hotlinkimage.com which infringe Plaintiff’s copyrighted material or resells the iWeb Defendants’ hosting and Internet services to those infringing websites.” Complaint ¶1 at 1:8-12.
- (ii) “Alternatively, upon information and belief, New Dream Network resells iWeb Defendants’ hosting services to these infringing websites and/or hides the identity of their operators.” Complaint ¶4 at 3:21-23;
- (iii) “Defendant New Dream Network, LLC, is a California limited liability company registered under the laws of California that, on information and belief, either operates the websites picfoco.com and hotlinkimage.com which infringe Plaintiff’s copyrighted material, or resells the iWeb Defendants’ hosting, Internet connectivity, and other services to such infringing websites and hides the identity of the website’s owners. Defendant New Dream Network claims to host one million domains,

1 which almost certainly include domains of San Diego-based websites.”

2 Complaint ¶22;

3 (iv) “Upon information and belief, Defendant New Dream Network knew of
4 the infringement either because it operates the infringing websites
5 hotlinkimage.com and picfoco.com, because of communications or
6 dealings it has had with the infringing website owners, because the Perfect
7 10 images it hosts display Perfect 10 copyright notices, or because iWeb
8 forwarded Perfect 10's notices to New Dream Network as the iWeb
9 Defendants have suggested they do.” Complaint ¶27 at 11:3-9.

10 WHEREAS, the iWeb Defendants have agreed not to file any Rule 11 motion
11 against Perfect 10 or its attorneys with respect to the above listed-allegations;

12 WHEREAS, the parties wish to provide the iWeb Defendants a 28-day
13 extension of time for the iWeb Defendants to file a responsive pleading to Perfect 10’s
14 Complaint, so that the iWeb Defendants’ responsive pleading shall be due on April 22,
15 2013;

16 WHEREAS, the parties wish to provide Perfect 10 an additional two (2) weeks
17 to file an Opposition any Rule 12 motion that any of the iWeb Defendants should file
18 in response to its Complaint;

19 WHEREAS, the parties wish to provide the iWeb Defendants an additional two
20 (2) weeks to file a Reply to any Opposition Perfect 10 should file in response to a Rule
21 12 motion filed by any of the iWeb Defendants.

22 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the
23 parties, subject to the Court’s approval, that:

24 1. The deadline for the iWeb Defendants to respond to Perfect 10’s Complaint
25 shall be set for April 22, 2013;

- 1 2. Perfect 10 shall receive an additional two (2) weeks to file an Opposition to
2 any Rule 12 motion filed by any of the iWeb Defendants in response to
3 Perfect 10's Complaint; and
4 3. The iWeb Defendants shall receive an additional two (2) weeks to file a
5 Reply to any Opposition Perfect 10 should file in response to a Rule 12
6 motion filed by any of the iWeb Defendants.

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8 IT IS SO STIPULATED.


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10 Dated: March 25, 2013

RESPECTFULLY SUBMITTED,
PERFECT 10, INC.

11
12 By: 
13 Natalie Locke
14 Attorneys for Plaintiff Perfect 10, Inc.

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16 Dated: March 25, 2013

RESPECTFULLY SUBMITTED,
SHAWNCOULSON, LLP

17
18 By: 
19 William H. Shawn
20 Attorneys for Defendants

UNITED STATES DISTRICT COURT
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PERFECT 10, INC., a California
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IWEB GROUP, INC., a Canadian
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Before Honorable Barry Ted Moskowitz

**[PROPOSED] ORDER EXTENDING
TIME TO ANSWER COMPLAINT
AND RULE 12 MOTION BRIEFING
SCHEDULE**

1 PURSUANT TO THE PARTIES' STIPULATION, IT IS ORDERED that:

- 2 1. The deadline for the iWeb Defendants to respond to Perfect 10's Complaint
3 shall be set for April 22, 2013;
4 2. Perfect 10 shall receive an additional two (2) weeks to file an Opposition to
5 any Rule 12 motion filed by any of the iWeb Defendants in response to
6 Perfect 10's Complaint; and
7 3. The iWeb Defendants shall receive an additional two (2) weeks to file a
8 Reply to any Opposition Perfect 10 should file in response to a Rule 12
9 motion filed by any of the iWeb Defendants.
10

11 DATED: _____

12 HON. BARRY TED MOSKOWITZ
13 United States District Judge
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